

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION**

**CRAIG SHIPP**

**PLAINTIFF**

**v.**

**CASE NO. 4:18-CV-04017-SOH**

**KEVIN MURPHY, et al.**

**DEFENDANTS**

**SEPARATE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Separate Defendant, Stephen Arnold, submits the following Motion for Summary Judgment:

1. Plaintiff, Craig Shipp, is a former resident of the Southwest Arkansas Community Correction Center (SWACCC) located in Texarkana, Arkansas, where he served a sentence for a DWI conviction. (Doc. Nos. 1, 14, 42).

2. On January 31, 2018, Plaintiff initiated the instant lawsuit with the filing of a complaint pursuant to 42 U.S.C. § 1983, alleging that the Defendants violated his constitutional rights during his incarceration at SWACCC. (Doc. Nos. 1, 14, 42).

3. The only Defendants remaining in this matter are Separate Defendant Stephen Arnold and four separately represented medical defendants.

4. At all times relevant to this lawsuit, Separate Defendant Stephen Arnold was the warden at SWACCC. Plaintiff sues Warden Arnold only in his personal capacity.

5. Warden Arnold is entitled to summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure.

6. Rule 56 provides that a party is entitled to summary judgment when the party shows that there is no genuine dispute as to any material fact and the party is entitled judgment as a matter of law.

7. Plaintiff fails to establish that Warden Arnold violated his constitutional rights. Therefore, Warden Arnold is entitled to qualified immunity and Plaintiff's claims against Warden Arnold should be dismissed.

8. Warden Arnold filed contemporaneously with this Motion a Brief in Support and Statement of Facts as required by Local Rule 56.1. Additionally, the following exhibits are filed with this Motion and incorporated by reference in the Separate Defendant's Motion for Summary Judgment, Brief in Support of Motion for Summary Judgment, and Statement of Facts:

<b><u>EXHIBIT #</u></b>	<b><u>DESCRIPTION</u></b>
<b>EXHIBIT 1</b>	Excerpts from the November 14, 2018 Deposition Testimony of Craig A. Shipp
<b>EXHIBIT 2</b>	Excerpts from the November 14, 2018 Deposition Testimony of Robbin Styers
<b>EXHIBIT 3</b>	Shipp's Resident Request (Bates Stamped CRCA000001 and CCS 0026)
<b>EXHIBIT 4</b>	Excerpts from the November 15, 2018 Deposition Testimony of Stephen Arnold
<b>EXHIBIT 5</b>	Declaration of Stephen Arnold
<b>EXHIBIT 6</b>	February 16, 2016 email between Lenore Philson (formerly Turner), Stephen Arnold, Kevin Murphy, and Kim Hoffman
<b>EXHIBIT 7</b>	Excerpts from the March 29, 2019, Deposition Testimony of Lenore Philson
<b>EXHIBIT 8</b>	Excerpts from the November 15, 2018 Deposition Testimony of Kimberly Hofmann
<b>EXHIBIT 9</b>	Encounter Notes (CCS 533 to 548)
<b>EXHIBIT 10</b>	Excerpts from the March 29, 2019 Deposition Testimony of Kindall Smith

- EXHIBIT 11** Excerpts from the, November 16, 2018 Deposition Testimony of Dr. Mimo Lemdja
- EXHIBIT 12** Excerpts from the March 29, 2019 Deposition Testimony of Melissa Stoner
- EXHIBIT 13** Excerpts from the November 16, 2018 Deposition Testimony of Lenore Lomax
- EXHIBIT 14** Excerpts from the June 10, 2019 Deposition Testimony of Jeffrey Stieve
- EXHIBIT 15** Inmate Record Summary for Craig A. Shipp (Bates Stamped ACC-0072 to 77)
- EXHIBIT 16** UAMS Discharge Notes (Bates Stamped CCS445 to 449)
- EXHIBIT 17** Excerpts from the June 10, 2019 Deposition Testimony of Earl Peeples, M.D.
- EXHIBIT 18** July 31, 2017 UAMS Surgical Notes (Bates Stamped UAMS.MR 001317 TO 001319)
- EXHIBIT 19** Sentence Data Sheet for Craig A. Shipp (Bates Stamped ACC-0096)
- EXHIBIT 20** February 1, 2016 Letter to Brenda Jeffers (Bates Stamped CRCA.000059)
- EXHIBIT 21** February 3, 2016 Health Service Request Form (Bates Stamped CCS.DOC 000292)
- EXHIBIT 22** February 17, 2016 Clinical Note from Treatment File (Bates Stamped ACC-0211)

**WHEREFORE,** Separate Defendant, Stephen Arnold, respectfully requests that his Motion for Summary Judgment be granted, and that Plaintiff's amended complaint (Doc. No. 42) be dismissed, along with any and all other just and proper relief to which he may be entitled.

Respectfully submitted,

Leslie Rutledge  
Attorney General

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Stephen Arnold*

**CERTIFICATE OF SERVICE**

I, Rosalyn Middleton, Assistant Attorney General, hereby certify that on February 9, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to any CM/ECF participants.

/s/ Rosalyn Middleton